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09/760,130	03/10/2001	Jeffrey Herold	033905-014	2248	
7590 09/30/2004			EXAMINER		
Robert E. Krebs			CRONIN, STEPHEN K		
Thelen Reid & Priest LLP					
P.O. Box 640640			ART UNIT	PAPER NUMBER	
	San Jose, CA 95164-0640			3727	

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.   Applicant(s)   Applicant(s)   Art Unit   Examiner   Stephen K. Cronin   3727   372			$\oint$
## Defice Action Summary    Examinor   Stephen K. Cronin   3727		Application No.	Applicant(s)
Stephen K. Cronin   3727			HEROLD, JEFFREY
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE g MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Eatherisor to the may be available under the provision of 37 cPt 1.156(a), in no event, however, may a reply be timely flied  If the period for reply specified above is less than tirty (30) days, a reply within the statistory minimum of thirty (30) days, will be considered timely.  If the period for reply specified above is less than tirty (30) days, a reply within the statistory minimum of thirty (30) days, will be considered timely.  If No period for reply specified above is less than tirty (30) days, a reply within the statistory minimum of thirty (30) days will be considered timely.  If No period for reply specified above is less than tirty (30) days, a reply within the statistory minimum of thirty (30) days will be considered timely.  If No period for reply specified above is less than tirty (30) days, a reply the timeling date of this communication (40) days will be considered timely.  If No period for reply specified above is less than tirty (30) days and be considered timely.  If No period for reply specified above is less than tirty (30) days and be considered timely.  If No period for reply specified above is less than tirty (30) days will be considered timely.  If No period for reply specified above is less than tirty (30) days will be considered timely.  If No period for reply specified above is less than tirty (30) days will be considered timely.  If No period for reply specified above is less than tirty (30) days will be considered timely.  If No period for the provide for the provider of the provider of the days (4), and the provider of the provider of the days (4), and the provider of the provider of the days (4), and the provider of the p	Office Action Summary	Examiner	Art Unit
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available writer the provisions of 37 CFR 1.136(a), in no event, however, may a reply be timely filed  - If the period for reply specified above, the maximum statutory period vill apply and will explicate the provisions of 37 CFR 1.136(a), in no event, however, may a reply be timely filed  - If the period for reply specified above, the maximum statutory period vill apply and will explicate of the communication of the period for reply specified above, the maximum statutory period vill apply and will explicate SEX (8) MONTHS from the mailing date of this communication.  - Failur to input within the side of securities provided the maximum statutory period vill apply and will explicate SEX (8) MONTHS from the mailing date of this communication, even if firmly filed, may reduce any securities of the communication of the communication of the communication is provided to the communication, even if firmly filed, may reduce any securities of the communication is provided to the communication is non-final.  3) □ Responsive to communication(s) filed on		Stephen K. Cronin	3727
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Responsive to communication(s) filed on	THE MAILING DATE OF THIS COMM  - Extensions of time may be available under the provisafter SIX (6) MONTHS from the mailing date of this case.  - If the period for reply specified above is less than this if NO period for reply is specified above, the maximus Failure to reply within the set or extended period for Any reply received by the Office later than three more	IUNICATION. sions of 37 CFR 1.136(a). In no event, however, may communication. irty (30) days, a reply within the statutory minimum of t um statutory period will apply and will expire SIX (6) Me reply will, by statute, cause the application to become nths after the mailing date of this communication, even	a reply be timely filed  hirty (30) days will be considered timely.  DNTHS from the mailing date of this communication.  ABANDONED (35 U.S.C. § 133).
1) Responsive to communication(s) filed on 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims 4) Claim(s) 1-8 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 1-8 is/are allowed. 6) Claim(s) 1-8 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner. 10) The drawing(s) filed on 12 January 2001 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patern Drawing Review (PTO-948) 3) Notice of Informal Patent Application (PTO-152) 6) Other: Information Patent Application (PTO-152) 6) Other: Information Patent Application (PTO-152) 7) Notice of Informal Patent Application (PTO-152) 8) Notice of Information		ω,	The second secon
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3   Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4   Claim(s)			
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#### **DETAILED ACTION**

### Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claims 1-5 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Marttinen 4,452,383.

Marttinen teaches a strap system comprising a proximal strap 14, 19, 20, with two ends 18, 21, a distal strap 16 with two ends joined to the proximal strap, curved pads 13, 15, and adjustable buckles 22.

## Claim Rejections - 35 USC § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marttinen 4,452,383 in view of Moomaw 2,915,233.

Marttinen teaches the claimed invention except that the distal strap is joined to the proximal strap by connecting rings instead of overlapped and sewn as claimed.

Moomaw teaches a similar strap system comprising a proximal strap 10 and a distal strap 23 in which the ends of the distal strap are overlapped with the proximal strap and

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sewn together. See in particular figure 1. It would have been obvious to one of ordinary skill in the art to substitute the attachment means of Moomaw for the means taught by Marttinen since both inventions teach art equivalent means for attaching distal straps to proximal straps.

### Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen K. Cronin whose telephone number is 703-308-4296. The examiner can normally be reached on M-TH 7:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W. Young can be reached on 703-308-2572. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen K. Cronin Primary Examiner Art Unit 3727 Application/Control Number: 09/760,130

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skc

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